



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Sheers and Planning Board Members

RE: City Council request to review Comprehensive Plan Amendment, changes to the Zoning Map, and changes to the text of the CMS and FCD zoning districts

DATE: December 13, 2017

At the November 11, 2017 and December 12, 2017 Planning Board meetings, members reviewed amendments to the Comprehensive Plan, changes to the Zoning Map, and changes to the text of the CMS and FCD zoning districts as requested. A comprehensive review and lengthy discussion took place with the City Planner and City Attorney. Below please find the Board's comments and recommendations:

Residential versus Commercial Density:

It is becoming increasingly clear that developers when offered a choice between residential and commercial development will choose residential. To achieve a desirable balance between the two land uses, commercial development should be mandatory in the areas wherever it is being considered. The balance between the land uses has become skewed and we unanimously recommended that effort to create more commercial zoning to rebalance the city's land use. Parking for properties on Main Street really needs to be addressed in a manner that doesn't routinely require waiving of spaces by the planning board and/or variances by the ZBA. Again this was unanimous.

Building height on Main Street:

After a lot of discussion we recommend that the proposed CMS limit of three stories with a 4th story set back from the front (and from the back if facing a residential area) be established. A corresponding maximum height should be established at the same time. In the historic overlay district, the 4th floor should be by Special Permit only. Transition buffers between high story buildings zones and important shorter structures such as the Post Office, the Howland Cultural Center and buildings near Main Street such as the Madame Brett Homestead need to be established.

Approvals granted but with no construction started:

In the absence of a “grandfathering” clause in the proposed local laws, an applicant who has already received land use approvals would have to revise their plans and go through the entire approval process once again if their approved plans do not conform to the new zoning laws.

After a lot of discussion we came to the conclusion that approved projects should be grandfathered as long as substantial construction begins within a year of the enactment of the new zoning laws. In a project with multiple phases only phase one need be started.

FCDD:

Site Plan Approvals in FCDD (page 7) says time limits “may be” established by the Planning Board for construction. We think that this should read “shall be established for construction by the Planning Board in consultation with the applicant”. If no time limit is set no extensions would be required and an approval could go unbuilt for a very long time, then suddenly be built out to everyone’s surprise and possible dismay. Extensions can be granted by the Planning Board if justified.

Comprehensive Plan

The Comprehensive Plan and Local Laws should agree and we recommend the proposed changes to make that happen.

Should you have any questions or require additional information, please feel free to contact me.